

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA

vs.

SAYED MAAZ SHAH

§
§
§
§
§
§

CAUSE NO. H 06-CR428

DEFENDANT’S PROPOSED ENTRAPMENT INSTRUCTION

The Defendant asserts that he was a victim of entrapment.

Where a person has no previous intent or purpose to violate the law, but is induced or persuaded by law enforcement officers or their agents to commit a crime, that person is a victim of entrapment, and the law as a matter of policy forbids that person’s conviction in such a case.

On the other hand, where a person already has the readiness and willingness to break the law, the mere fact that government agents provide what appears to be a favorable opportunity is not entrapment. For example, it is not entrapment for a government agent to pretend to be someone else and to offer, either directly or through an informer or other decoy, to engage in an unlawful transaction.

If then, you should find beyond a reasonable doubt from the evidence in the case that, before anything at all occurred respecting the alleged offense involved in

this case, the defendant was ready and willing to commit a crime such as charge in the indictment, whenever opportunity was afforded, and that government officers or their agents did no more than offer the opportunity, then you should find that the defendant is not a victim of entrapment.

On the other hand, if the evidence in the case should leave you with a reasonable doubt whether the defendant had the previous intent or purpose to commit an offense of the character charged, apart from the inducement or persuasion of some officer or agent of the government, then it is your duty to find the defendant not guilty.

This burden is on the government to prove beyond a reasonable doubt that the defendant was not entrapped.

You are instructed that a paid informer is “an agent” of the government for purposes of this instruction. Fifth Circuit Pattern Jury Instructions, Section 1.28.

Respectfully submitted,

/s/ Frank Jackson

FRANK JACKSON

State Bar No. 10463000

2612 Boll Street

Dallas Texas 75204

(214) 871-1122 [telephone0

(214) 880-0443 [facsimile]

ATTORNEY FOR DEFENDANT